



THE UNITED STATES
BANKRUPTCY COURT

FOR THE DISTRICT
OF ARIZONA

U.S. BANKRUPTCY COURT NEWSLETTER

SUMMER/FALL 2009

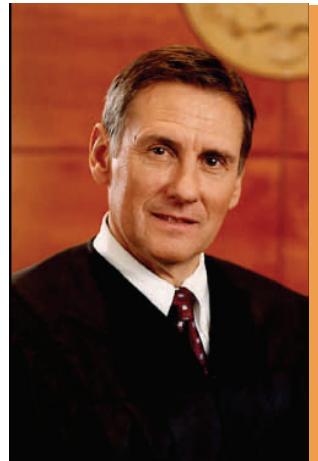
VOLUME 9, NO. 2

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Bankruptcy Judge James M. Marlar ascended to the Arizona bankruptcy court's chief judgeship on June 29, 2009, succeeding Chief Judge Redfield T. Baum. Judge Marlar was appointed by U.S. District Court Chief Judge John M. Roll to serve a four-year term.

In December 1993, Judge Marlar was appointed U.S. Bankruptcy Judge for the District of Arizona, with his primary duty station in Tucson, Arizona. In December 2007 he was reappointed for a second 14-year term. He travels within the District of Ari-



Honorable James M. Marlar

panel as a Judge Pro Tem-pore.

Judge Marlar graduated from Stanford University in 1967 with a bachelor's degree in history and from the University of Arizona College of Law in 1970, where he was a member of the Arizona Law Review.

Prior to his appointment he practiced in the areas of bankruptcy and commercial litigation in Phoenix, Arizona for 23 years and served as a Judge Pro Tempore on the Arizona Court of Appeals.

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Arizona's U.S. Bankruptcy Court Newsletter is a publication of court policies, procedures, and information designed to assist the public and members of the bar.

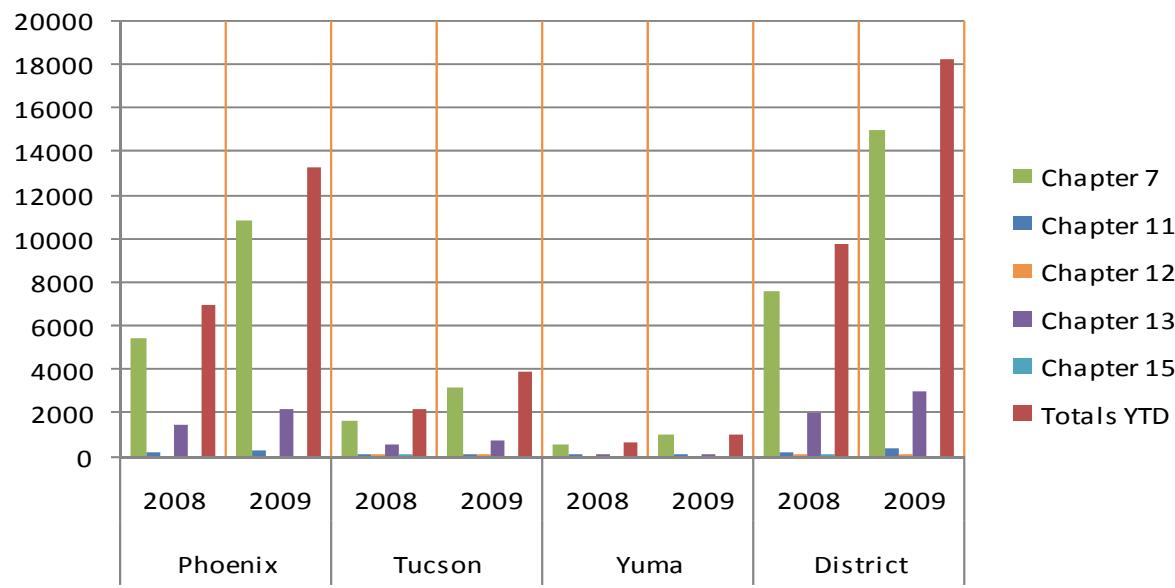
James M. Marlar, Chief Judge
George B. Nielsen, Jr., Judge
Sarah Sharer Curley, Judge
Redfield T. Baum, Judge
Charles G. Case II, Judge
Randolph J. Haines, Judge
Eileen W. Hollowell, Judge
Brian D. Karth, Clerk of Court
Marta H. Labus, Editor

District Bankruptcy Filings Soar to Over 18,000 Cases for July 2009

Year to Date Totals: July 2009 v. July 2008

	<u>Phoenix</u>		<u>Tucson</u>		<u>Yuma</u>		<u>District</u>	
	<u>2008</u>	<u>2009</u>	<u>2008</u>	<u>2009</u>	<u>2008</u>	<u>2009</u>	<u>2008</u>	<u>2009</u>
Chapter 7	5404	10864	1656	3122	566	968	7626	14954
Chapter 11	146	262	37	59	21	5	204	326
Chapter 12	0	0	2	1	0	0	2	1
Chapter 13	1412	2166	512	729	29	69	1953	2964
Chapter 15	0	0	1	0	0	0	1	0
Totals YTD	6962	13292	2207	3911	616	1042	9785	18245

Year to Date Filings Totals: 2009 v. 2008



Randy Merrill Wins NCBC Special Service Award For Public Education and Outreach



Photo by Jessica Sobarzo

USBC Operations Manager Randy Merrill received an Outstanding Public Service Award from the National Conference of Bankruptcy Clerks at their 2009 summer conference in St. Petersburg, Florida. Randy was nominated for the award by Clerk Brian D. Karth and Chief Deputy Nancy B. Dickerson for his efforts in organizing and presenting Bankruptcy Education workshops at the Phoenix Fresh Start Women's Foundation and his statewide travel to offer on-site self-help sessions to members of the public contemplating filing for bankruptcy.

Randy's citation reads:

"In recognition of leadership in a Court Outreach initiative to present educational programs on bankruptcy to a women's shelter and support organization called 'Women's Fresh Start.'"

Randy and Tucson Bankruptcy Generalist Eunice Stroud also presented information on the court's self-help and pro se filer assistance programs at the NCBC information-sharing fair July 1. Their demonstrations of the court's Live Chat program , web site resources, and online fillable forms were thronged by conference attendees interested in developing similar outreach programs.



Maximum Allowable Size of Electronic PDF Document Submissions Increased in CM/ECF



As of August 6, 2009, the size of a PDF document that can be submitted electronically via CM/ECF has been increased to 4 megabytes.

New Transcript Contract Awarded To AVTranz (fka AVTronics)

The court's new contract for the provision of official transcripts was awarded to AVTranz, formerly known as AVTronics. The contract prices in the table below are effective June 15, 2009 through June 14, 2010.



AVTranz Contract Prices Effective June 15, 2009-June 14, 2010			
Cost Per Page	Cost Original	Cost Each Party	Cost Additional Copies
Ordinary Transcript	\$3.00	\$0.75	\$0.50
14-Day Transcript	\$3.55	\$0.75	\$0.50
Expedited Transcript	\$4.10	\$0.75	\$0.50
Daily Transcript	\$5.20	\$1.00	\$0.75
Hourly Transcript	\$6.30	\$1.00	\$0.75



Judges' Procedures **Telephonic Appearances Before Chief Judge James M. Marlar**

Submitted by Maureen Thompson, Judicial Assistant to Honorable James M. Marlar

If you wish to schedule a telephonic appearance before Judge Marlar, arrangements must be made at least 24 hours in advance of the hearing with the judge's courtroom deputies (Cindy in Tucson, LuAnn in Phoenix, or Robert in Yuma). They are often in court and unable to process requests in less time. Please also remember that the number of call-in lines is limited to ten.

The Times They Are A-Changin':

Time Computation Changes Take Effect For Bankruptcy Rules of Procedure 12/01/2009

Effective December 1, 2009, a new time computation methodology will take effect for the Federal Bankruptcy Rules of Procedure. The new methodology is global in scope and will likewise take effect for the federal civil, criminal, and appellate rules of procedure, per the Statutory Time-Periods Technical Amendments Act of 2009, enacted by Congress January 6, 2009.

The rules change was initially formulated by the Judicial Conference of the United States and transmitted for approval by the Supreme Court. To summarize the time computation changes:

- ◆ Days are days—no intermediate weekend/holiday exclusions.

- ◆ Every day counts.
- ◆ Allowances of fewer than 30 days are expressed in multiples of 7: 7, 14, 21, 28 day periods replace 5, 15, 20, etc.
- ◆ Final weekend/holiday exclusion remains.
- ◆ Forward-counted deadline becomes later.
- ◆ Backward-counted deadline becomes earlier.
- ◆ Hours-counting principles are established as well.
- ◆ The appeal deadline goes to 14 days. Orders with delayed effective dates take this into account. The 14-day deadline also applies for post-judgment motions for amended or additional findings.

Other bankruptcy rule changes effective December 1, 2009 include:

- ◆ FRBP 4008 amendment requiring cover sheet to reaffirmation agreement (Official Form 27).
- ◆ FRBP 7052, 7058, 9021 amendments: FRCP 58 separate document rule for judgments and the 150-day default appeal period in absence of separate judgment are applicable only in adversaries.

—Source: U.S. Courts Website at www.uscourts.gov and Federal Judicial Center Bankruptcy Judges Workshop, July 2009.



Court Conducts Bankruptcy Outreach Programs at Sierra Vista, Prescott; Plans Additional Public Outreach Activities for Fall

During spring and summer 2009, the Arizona bankruptcy court furthered its commitment to public education and assistance by conducting two bankruptcy outreach programs at off-site locations.

Outreach At Sierra Vista

The first outreach program, held May 20, was sponsored by the Sierra Vista Chamber of Commerce, which distributed flyers and provided preliminary information on the event to the community. The Sierra Vista C of C also arranged for local media coverage of the event.

Operations Manager Randy Merrill, Phoenix Bankruptcy Generalists Liz Frazier and Alisha Snyder, Tucson Divisional Manager Dean Axelrod, and Tucson Bankruptcy Generalist Eunice Stroud made the trip to Sierra Vista to distribute bankruptcy forms, answer procedural questions, and help members of the public who

sought attorney consultations to connect with the court's 800 self-help number. Reporter Derek Jordan of The Sierra Vista Herald interviewed Randy on the court's increased filing levels and the increase

mation session at Prescott in August 2007, and the Prescott Community Legal Services organization requested a return visit. Prescott attorneys Dan Furlong and Ward Sturm, managing attorney for the CLS, joined the USBC staff at the law library and offered 30-to-45 minute individual consultations to prospective filers. Seventeen members of the public sought assistance from bankruptcy court staff and the attorney volunteers.



Tucson Bankruptcy Generalist Eunice Stroud assists a visitor at the Sierra Vista bankruptcy information session. —(Photo by Ed Honda, The Sierra Vista Herald)

in mortgage- and real-estate-related questions among pro se filers.

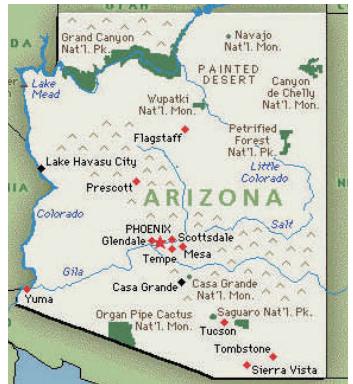
Outreach at Prescott

On July 30, Randy, Phoenix Bankruptcy Generalists Sybil Murillo and Michelle Radicke, and new court Training Specialist Jessica Sobarzo traveled to Prescott to conduct a bankruptcy outreach program at the Yavapai County Law Library. The court had initially held a bankruptcy infor-

Future Bankruptcy Outreach Programs

Two additional bankruptcy outreach programs are projected for fall 2009. Randy and two members of the Phoenix court's operations teams will travel to the Kingman/Bullhead City area in late October or early November to present a bankruptcy information session. Dean Axelrod and Eunice Stroud of the Tucson Division plan a

(Continued on page 8)



Prescott Hearings Location Changes To U.S. Post Office Building

The location for Prescott hearings has changed. The change went into effect with hearings scheduled for July 31, 2009. The new Prescott hearing location is:

**U.S. Post Office Building
101 W. Goodwin Street
2nd Floor
Prescott, AZ 86303**



Parties will continue to have the option to appear telephonically or by video from the Phoenix location. For further details, please refer to Judge Redfield T. Baum's procedures page at www.azb.uscourts.gov.

PACER Program Improvement



Share Your Opinion

In 2009, the Federal Judiciary's Electronic Public Access Program will begin a year-long, comprehensive program assessment. The goal of the assessment is to identify potential enhancements to existing services and new public access services that could be provided. We will gather information through focus groups, interviews, and surveys. In the coming months you may be solicited about your views on PACER and our services with an eye towards what you, the customer, would like to see in the future. Check the PACER Service Center website for information about the assessment.

From the PACER web site at <http://pacerpsc.uscourts.gov/>.

Legal Consumer.com Ranks USBC Website #1 In Bankruptcy Court Hall of Fame

How well does your court's website serve the public?

Usability Report Card for Arizona District Bankruptcy Court

Here is your court's report card on how well its website serves the tax-paying general public.

<http://www.azb.uscourts.gov>

Provides non-lawyers information they need	A+
Information is easy to find	A

5 features court websites should offer

1	✓ A dedicated main menu for non lawyers
2	✓ Filing instructions for non-lawyers
3	✓ Home-page links to this information
4	✓ Links worded in plain English, not Latin
5	✓ Downloadable forms that are "fillable"

Summary

One of the best courts in the nation in providing information to non-lawyers. A model that other courts would do well to follow. Some of the information could be better organized, but it is far better than what most courts offer. The court even offers community outreach programs to explain the bankruptcy process to the general public. Reviewed 5/2/2009



Court Conducts Bankruptcy Outreach Programs at Sierra Vista, Prescott; Plans Additional Public Outreach Activities for Fall



(Continued from page 6) program for either the Green Valley or the Yuma area. In addition, Randy plans local outreach at Valley-area senior centers.

Randy, bankruptcy judges, and members of the court's Bankruptcy Education Committee will also continue presenting Bankruptcy In-

formation seminars at the Fresh Start Women's Foundation. Phoenix's local PBS affiliate, Channel 8, KAET-TV, has proposed to record one of the group's seminars in their studio before a live audience, providing the court with a permanent video presentation.

Randy has also announced that a Spanish

version of "Bankruptcy Basics," translated for the Middle District of Florida bankruptcy court, is now available. He intends to have both the Spanish and English versions of this program loop continuously on a screen in the intake area of the 230 federal building.

CM/ECF Soon to Feature Attorney Redaction Reminders

The screenshot shows the official website of the U.S. Courts. At the top, there is a large banner with the words "U.S. COURTS" in large, serif capital letters, set against a background of the American flag. To the right of the banner is a search bar with a "Search" button. Below the banner, the site navigation includes links for "About U.S. Courts", "Newsroom", "Library", "Court Locator", "FAQs", "Careers", and "Contact Us". The "Newsroom" link is highlighted with a yellow underline. The main content area features a section titled "Enhanced Notice of Attorney Redaction Responsibilities". This section contains several paragraphs of text and links. On the left side of this section, there is a sidebar with a list of news items under the heading "Newsroom".

Enhanced Notice of Attorney Redaction Responsibilities

Modifications to the Case Management/Electronic Case Files (CM/ECF) system, soon to be available to all federal appellate, district, and bankruptcy courts, will strengthen the reminders to attorneys of their responsibility to redact private information from the documents they file.

The modifications reflect the Judiciary's strong commitment to protecting private information in publicly accessible court records.

A message will be displayed when an attorney logs in to CM/ECF. The attorney will be required to acknowledge the reminder by checking a box on the last line of the reminder. The message also provides links to the Federal Rules regarding redaction.

In addition, another reminder message has been added to the screen where the attorney finalizes submission of the filed document. The message states: "Have you redacted?" No affirming message is required for that message.

The policy-making Judicial Conference of the United States, through its Privacy Subcommittee of the Rules Committee, has reviewed the language of the reminder messages.

The messages for each type of court refer to different Federal Rules, but each contains the language, "IMPORTANT NOTICE OF REDACTION RESPONSIBILITY: All filers must redact: Social Security or taxpayer-identification numbers; dates of birth; names of minor children; financial account numbers."

The messages for district and appellate courts adds language to note that "in criminal cases, home addresses" also must be redacted.

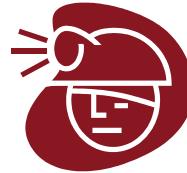
Newsroom

- [News Releases](#)
- [Publications](#)
- [The Third Branch Newsletter](#)
- Journalist's Guide
[\(html\)](#) [\(pdf\)](#)
- [In the News Archives](#)
- [Video News Archives](#)

[Return to Newsroom](#)

[Return to uscourts.gov](#)

Online Proof of Claim Form For Filing By Unrepresented Creditors Inaugurated 07/01/09



ONLINE SERVICES

- File Electronically on ECF
- U.S. Party/Case Index
- File a Claim** 
- Unclaimed Funds Listing
- Judicial Misconduct Complaint Form
- First Magnus Class Register

June 29, 2009

• **Prescott Calendar Location Change:** The location for Prescott hearings has changed. The change will be effective with hearings scheduled for July 31, 2009. The new location is:
U.S. Post Office Building
101 W. Goodwin Street
2nd Floor
Prescott, AZ 86303

Parties will continue to have the option to appear telephonically or by video from the

Proof of Claim - Case Selection

Use the form below to search for a case, then select the case from the resulting list.

Only cases that can have claims filed will be included in search results.

If you can't find the case you need, or have any questions contact the Clerk's Office for assistance.

Case/Debtor Name: Case Number:

NEW Instructions For Online Filing Proof of Claim

You may now file a Proof of Claim via an online form, if you are a creditor (the person who is owed money in a bankruptcy case) and are not represented by an attorney.

To do so, follow the link below, (*on the court's website at <http://www.azb.uscourts.gov/default.aspx?PID=76>*) and search for the case against which you wish to file a claim. You may search by case number, or by the name of the debtor (the person or entity that has filed bankruptcy). When you find the correct case in the search results, click on the "Select this case" link to the right, and you will be taken to the online version of the Proof of Claim form. The case information will be pre-populated for you, and you need only provide your information, and information regarding the claim. For step-by-step instructions, click the "Show Instructions" link at the top of the form.

Please note: You will NOT be able to submit attachments and supporting documentation if you use the online Proof of Claim form. After you have submitted the form, you will be given instructions for sending this documentation directly to the trustee for the case. In addition, if you include your email address in the space provided on the form, you will receive a copy of the completed Proof of Claim form by email for your records.

**United States Bankruptcy Court
District of Arizona
Filing Statistics Analysis
Calendar Year 2009 v. 2008**

CHAPTER 7

	<u>PHOENIX</u>		%	<u>TUCSON</u>		%	<u>YUMA</u>		%	<u>DISTRICT</u>		%
	2008	2009		2008	2009		2008	2009		2008	2009	
January	522	996	90.8	126	267	111.9	63	101	60.3	711	1364	91.8
February	590	1091	84.9	160	301	88.1	53	107	101.9	803	1499	86.7
March	755	1604	112.4	245	510	108.2	93	138	48.4	1093	2252	106.0
April	881	1756	99.3	259	532	105.4	94	141	50.0	1234	2429	96.8
May	765	1653	116.1	254	471	85.4	73	142	94.5	1092	2266	107.5
June	894	1838	105.6	297	503	69.4	87	171	96.6	1278	2512	96.6
July	997	1926	93.2	315	538	70.8	103	168	63.1	1415	2632	86.0
August	1048			278			88			1414		
September	1083			329			97			1509		
October	1249			359			115			1723		
November	995			283			91			1369		
December	1155			291			90			1536		
TOTALS	10934			3196			1047			15177		

CHAPTER 11

	<u>PHOENIX</u>		%	<u>TUCSON</u>		%	<u>YUMA</u>		%	<u>DISTRICT</u>		%
	2008	2009		2008	2009		2008	2009		2008	2009	
January	21	27	28.6	1	8	700.0	5	2	(60.0)	27	37	37.0
February	17	28	64.7	5	14	180.0	2	1	(50.0)	24	43	79.2
March	15	44	193.3	5	4	(20.0)	3	1	(66.7)	23	49	113.0
April	18	41	127.8	5	7	40.0	2	1	(50.0)	25	49	96.0
May	26	43	61.5	3	9	200.0	2	0	(100.0)	31	51	64.5
June	23	48	108.7	10	10	0.0	2	0	(100.0)	35	58	65.7
July	26	32	23.1	8	7	(12.5)	5	0	(100.0)	39	39	0.0
August	26			7			1			34		
September	30			7			0			37		
October	38			12			2			52		
November	15			19			2			36		
December	33			7			1			41		
TOTALS	288			89			27			404		

**United States Bankruptcy Court
District of Arizona
Filing Statistics Analysis
Calendar Year 2009 v. 2008**

CHAPTER 13

	<u>PHOENIX</u>		%	<u>TUCSON</u>		%	<u>YUMA</u>		%	<u>DISTRICT</u>		%
	2008	2009		2008	2009		2008	2009		2008	2009	
January	164	218	32.9	63	83	31.7	2	11	450.0	229	312	36.2
February	190	244	28.4	53	79	49.1	4	10	150.0	247	333	34.8
March	216	278	28.7	79	114	44.3	2	7	250.0	297	399	34.3
April	205	310	51.2	84	103	22.6	4	10	150.0	293	423	44.4
May	208	347	66.8	80	106	32.5	8	9	12.5	296	462	56.1
June	201	408	103.0	57	111	94.7	5	13	160.0	263	532	102.3
July	228	361	58.3	96	133	38.5	4	9	125.0	328	503	53.4
August	229			67			3			299		
September	226			100			9			335		
October	264			71			8			343		
November	252			76			7			335		
December	211			72			14			297		
TOTALS	2594			898			70			3562		

YEAR TO DATE TOTALS

	<u>PHOENIX</u>		%	<u>TUCSON</u>		%	<u>YUMA</u>		%	<u>DISTRICT</u>		%
	2008	2009		2008	2009		2008	2009		2008	2009	
Chapter 7	5404	10864	101.0	1656	3122	88.5	566	968	71.0	7626	14954	96.1
Chapter 11	146	262	79.5	37	59	59.5	21	5	(76.2)	204	326	59.8
Chapter 12	0	0	0.0	2	1	(50.0)	0	0	0.0	2	1	(50.0)
Chapter 13	1412	2166	53.4	512	729	42.4	29	69	137.9	1953	2964	51.8
TOTALS	6962	13292	90.9	2207	3911	77.2	616	1042	69.2	9785	18245	86.5